

JANUARY 17, 2006

**RULE PROPOSAL**

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**DIVISION OF FIRE SAFETY**

**Proposed Amendments: N.J.A.C. 5:23-3.14, 6.11, 6.13, 6.13A, and 6.31; and 5:70-1.5, 4.1, 4.3, 4.7, 4.9 and 4.11**

**Uniform Construction Code; Uniform Fire Code Requirements for Nightclubs**

Authorized By: Charles A. Richman, Acting Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124 and 52:27D-198.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-31.

Submit written comments by March 18, 2006 to:

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**Summary**

In the wake of the tragic Station nightclub fire in Rhode Island in February, 2003, the Department undertook a review of the fire safety requirements for nightclubs as contained in the Uniform Fire Code (UFC) and the Uniform Construction Code (UCC). While New Jersey has a comprehensive set of code requirements, this review was undertaken to determine whether more stringent requirements should be applied to nightclub occupancies. The following is a summary of the changes that the Department is proposing as a result of this review.

**1. Suppression (N.J.A.C. 5:70-4.7)** - The existing rules allow owners to artificially limit occupancy to well below what the space can hold in order to fall below the threshold for a suppression system. Under the proposed amendments, in order to qualify for exemption from the suppression requirement, owners would be required to reduce the size of the space so that the occupant limit cannot be exceeded. (The proposed language at N.J.A.C. 5:70-4.7(a)2 details how this would be accomplished.) This will eliminate a significant problem created by having large halls with artificially low occupancy limits. If a space is large enough to hold more than 300 occupants, the owner will have the choice of installing the required suppression system or reducing the size of the space so that it will not hold more than 300 occupants. The proposed amendments also require suppression for all nightclubs that are not at grade no matter how small (N.J.A.C. 5:70-4.7(a)1) and require suppression for nightclubs larger than 5,000 square feet (N.J.A.C. 5:70-4.7(a)3).

**Companion amendments to the Uniform Construction Code are proposed at N.J.A.C. 5:23-6.13A(a).** (Note: As part of these proposed amendments, the suppression requirement in the rehabilitation subcode of the Uniform Construction Code is being moved from N.J.A.C. 5:23-6.13 to 6.13A.)

**2. House Lights and Sound System (N.J.A.C. 5:70-4.7(a)4, 4.9(a)9 and 4.11(i)3)** - The proposed amendment requires that the house lights and the performance sound system be tied to the suppression system and to the alarm system such that an activation of either the suppression system

or the alarm system would cause the house lights to return to the required level for egress lighting and the performance sound system to shut down.

**Companion amendments to the Uniform Construction Code are proposed at N.J.A.C. 5:23-3.14(b)9. and 6.13A(b)2.**

**3. Automatic Fire Alarm Systems (N.J.A.C. 5:70-4.9)** - The proposed amendments would require an automatic fire alarm system in all nightclubs with an occupant load of 100 or more that do not have a suppression system. If smoke detection is used in these systems, the system must be designed to limit the number of false alarms, thereby limiting the obvious negative impacts of false alarms on the local fire department and limiting the likelihood that the alarm system would be disconnected by building management because of nuisance alarms.

**Companion amendments to the Uniform Construction Code are proposed at N.J.A.C. 5:23-3.14(b)9, 6.13A(b) and (c) and 6.31(h).**

**4. Means of Egress N.J.A.C. 5:70-4.11)** - The proposed amendments would mandate that at least two-thirds of the required egress capacity be at the main entrance (or entrances) for nightclubs with an occupancy greater than 300 (N.J.A.C. 5:70-4.11(g)2.) This proposed requirement recognizes a fact of human behavior: people will return to the doors through which they entered. The remaining exits would also be required to provide two-thirds of the egress capacity. This additional egress capacity would enhance safety at higher occupancy clubs. The proposed amendments also address the remoteness of exits. Currently, the Uniform Fire Code contains no provisions for the exits to be separate from one another. All of the required egress capacity could be provided in one area. If this is the area of the fire or the exit is otherwise blocked, then there is no alternative exit. The proposed amendments establish a requirement that the exits be separated by one-half the length of the maximum overall diagonal distance of the area served in buildings without sprinklers and one-third the maximum overall diagonal distance of the area served in buildings with sprinklers (N.J.A.C. 5:70-4.11(g)1.) Finally, the proposed amendments would require that the occupant load of nightclubs be calculated based on the space available, not limited artificially to the capacity of the existing exits, similar to the proposed amendment described above for the calculation of the occupant load to determine whether a suppression system is required (N.J.A.C. 5:70-4.11(f)3.i.)

**Companion amendments to the Uniform Construction Code are proposed at N.J.A.C. 5:23-3.14(b)10, 5:23-6.11(b) and 5:23-6.13(c).**

**5. Use Group Definition (N.J.A.C. 5:70-1.5)** - Amendments to the definition of Use Group A-2 are proposed to better identify those occupancies which should be subject to additional requirements. Specifically, buildings or spaces which afford less than 12 square feet net area per occupant, regardless of whether there is seating for all occupants, are proposed to be included. This was part of a previous Uniform Fire Code definition of nightclub. Using 12 square feet net area per occupant as a threshold will ensure that all high occupancy clubs are covered by these requirements. Also, the phrase "without theatrical stage accessories" is proposed for deletion. As the definition currently is written, buildings that would otherwise be classified as nightclubs, but have theatrical stage accessories, are not in Use Group A-2. However, they do not fit into Use Group A-1, the use group for theatres with stages, because the nightclubs lack fixed seating. This proposed amendment would place all nightclubs in the appropriate use group.

**A companion change to the Uniform Construction Code is proposed at N.J.A.C. 5:23-3.14(b)2.** Additionally, the proposed amendments to the Uniform Construction Code move dance halls from Group A-3 to Group A-2.

Throughout the proposed amendments to the Uniform Fire Code, the word "nightclub" has been added following "Use Group A-2" for clarity.

**6. Relationship to Uniform Construction Code (N.J.A.C. 5:70-4.3)** - The proposed amendments would update the "grandfather provision" applicable to nightclubs. Currently, any building that was issued a Certificate of Occupancy under the Uniform Construction Code, and which remains in compliance with the code provisions applicable at the time of its construction, is not required to meet the retrofit provisions of Subchapter 4 of the Uniform Fire Code. As a practical matter, this means that all buildings constructed after January 1, 1977 are exempted from retrofit requirements. Both construction code requirements and society's safety expectations have moved on many times since this provision was first adopted in 1986. Accordingly, the proposed amendment to this provision would exempt only those nightclubs constructed under the 1990 or a later edition of the Building Officials and Code Administrators (BOCA) National Building Code. The 1990 edition is being used because that edition included an expansion of suppression requirements. Also, proposed language added at N.J.A.C. 5:70-4.3(a)2 would make it clear that a variation issued pursuant to the Uniform Construction Code, for any building, would remain in effect.

**7. Change of Use of an Existing Building to a Nightclub Use (N.J.A.C. 5:23-6.31(c) and (g))** - The proposed amendments would trigger requirements for adequate means of egress and for suppression when an existing building or space is converted to a nightclub.

**8. Compliance Date (N.J.A.C. 5:70-4.1)** - The proposed amendment to this section establishes a compliance date for all of the above requirements be one year after the date of adoption to give building owners time to bring their facilities into conformance with the enhanced fire safety requirements.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 5:23-1:30-3.3(a)5.

### **Social Impact**

The proposed amendments would have a positive social impact by enhancing fire safety in nightclub occupancies and serving to prevent the kind of tragic loss of life that occurred in Rhode Island.

### **Economic Impact**

These proposed amendments do not impact either the regulated entity or the local enforcing agency with regard to costs for enforcement of the Uniform Fire Code. If an existing nightclub must make fire safety improvements to comply with the new fire safety requirements, then the owner will need a permit under the Uniform Construction Code and the permit fee established by municipal ordinance must be paid by the owner. To comply, it may be necessary for the owner to hire a licensed electrician, a licensed fire protection contractor, a licensed alarm installer or a design professional (architect or engineer). The scope of work, whether professional services are needed and the scope of the professional services needed will depend entirely upon the requirements of the

proposed rules with which the nightclub does not comply. For example, if alarm system changes or improvements are needed, then the owner will need to hire a licensed electrician, a licensed alarm installer or a licensed fire protection contractor to make those changes or improvements. The incremental cost for construction of a new club (proposed amendments to N.J.A.C. 5:23-3.14) is inconsequential. There may be added costs to comply with the proposed requirements of the rehabilitation subcode (N.J.A.C. 5:23-6.13 and 6.13A) when making improvements to an existing nightclub, but these should not be substantial in most cases because the requirements are triggered when the owner is undertaking what amounts to a gut rehab. The cost to retrofit an existing nightclub to comply with the proposed retrofit requirements of the Uniform Fire Code may be significant depending upon the extent to which the existing facility does or does not comply with the proposed requirements.

### **Federal Standards Statement**

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards or requirements.

### **Jobs Impact**

The Department does not anticipate that any jobs would either be created or lost as a consequence of the proposed amendments.

### **Agriculture Industry Impact**

The Department is not aware of any way in which the proposed amendments might have an impact upon the agriculture industry.

### **Regulatory Flexibility Analysis**

The proposed amendments might have an impact on "small businesses," as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq. As a result of the proposed amendments, nightclub owners, many of whom may be "small businesses," will be required to provide a higher level of fire safety at their establishments, as described in the Summary above. Compliance costs are discussed in the Economic Impact above. These proposed requirements are justified based upon the nature of the hazards inherent in a nightclub use. The proposed amendments do not impose any additional recordkeeping or reporting requirements on small businesses. The professional services that may be required are discussed in the Economic Impact above.

### **Smart Growth Impact**

The Department does not expect that the proposed amendments will have any impact upon either achievement of smart growth or implementation of the State Development and Redevelopment Plan.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-3.14 Building subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. (No change.)

2. Chapter 2, Definitions, shall be amended as follows:

i.-vii. (No change.)

**viii. A definition of "nightclub" shall be inserted as follows:**

**"NIGHTCLUB. All buildings and places of public assembly designed for use as dance halls, eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent or which, affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this code, the nightclub shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance."**

Recodify existing viii.-x. as **ix.-xi.** (No change in text.)

3. Chapter 3, Use and Occupancy Classification, shall be amended as follows:

i.-ii. (No change.)

**iii. In Section 303.1, Delete "Dance halls" from Group A-3 and insert "Dance halls" into Group A-2.**

Recodify existing iii.-viii. as **iv.-ix.** (No change in text.)

4.-8. (No change.)

9. Chapter 9, Fire Protection Systems, shall be amended as follows:

**i. Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows:**

**"903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1."**

Recodify existing i.-xi. as **ii.-xii.** (No change in text.)

**xiii. Add new section 907.2.1.3 as follows:**

**"907.2.1.3 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by 1003.2.11.1.**

**Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout."**

Recodify existing xii.-xv. as **xiv.-xvii.** (No change in text.)

10. Chapter 10, Means of Egress, shall be amended as follows:

i.-xxi. (No change.)

xxii. At Section 1008.1, entitled "Assembly main exit", add the text "other than nightclubs," after "Group A occupancies" at the beginning of the first sentence.

(1) In the exception, "other than nightclubs" add after "In assembly occupancies" at the beginning of the exception.

xxiii. Add new section 1008.1.1 as follows:

**"1008.1.1 Group A-2 Nightclubs. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing two-thirds of the total required exit capacity. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity."**

[xxii.] xiv. (No change in text.)

11.-26. (No change.)

### **5:23-6.11 Basic requirements in all Groups**

(a) (No change.)

(b) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be sufficient for the maximum permitted occupant load of the work area and any adjacent spaces served by that means of egress as calculated on a per floor basis. Means of egress shall be measured in units of exit width of 22 inches.

1. The maximum permitted occupant load of a space shall be determined by the capacity of the means of egress serving the space as calculated in accordance with Table 1. Building owners shall have the option of establishing a reasonable restriction on the occupant load of the space based on the existing capacity of the means of egress or of providing additional egress capacity.

**i. Exception: For nightclubs, the occupant load of the space shall be determined in accordance with the building subcode. The occupant load for dance floors shall be calculated at seven square feet of floor area per occupant.** (Plan review--Building, Fire. Inspection--Building)

Table 1

(No change.)

(c)-(d) (No change.)

### **5:23-6.13 Basic requirements - Group A-2 Nightclubs**

[(a) Automatic Fire Suppression System: An automatic fire suppression system shall be required in buildings with an occupant load of 50 or more.

1. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

2. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade. (Fire)]

Recodify existing (b)-(c) as **(a)-(b)** (No change in text.)

[(d)] **(c)** Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). [Additionally, for buildings with an

occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances.] **The main exit and at least one remaining exit shall be placed a distance apart equal to one-half the length of the maximum overall diagonal distance of the area served in buildings not equipped throughout with an automatic fire sprinkler system and one-third the maximum overall diagonal distance of the area served in buildings that are equipped throughout with an automatic fire sprinkler system** (Plan review--Building, Fire. Inspection--Building)

**1. Buildings with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing two-thirds of the total required exit capacity.**

**2. Buildings with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.**

Recodify existing (e)-(p) as **(d)-(o)** (No change in text.)

#### **5:23-6.13A Supplemental requirements - Group A-2 Nightclubs**

(a) Automatic Fire [Suppression] **Sprinkler** System: [When the work area is 5,000 square feet (gross enclosed floor area) or more, an automatic fire suppression system shall be installed throughout the floor on which the A-2 Use is located and on all floors below. If the A-2 Use is below grade, then an automatic fire suppression system shall be installed throughout the floor on which the A-2 Use is located and on all floor above up to and including the level of exit discharge.]

**An automatic fire sprinkler system shall be installed throughout all floors containing the Group A-2 nightclub and all floors between the Group A-2 nightclub and the level of exit discharge when the conditions in (a)1 or 2 below exist. For purposes of applying this section, the level of exit discharge shall be defined as having all exits discharging not more than five feet above nor more than two feet below the adjacent grade.**

**1. The work area is located on a floor other than the level of exit discharge; or**

**2. The work area is at the level of exit discharge and has an occupant load of 300 or more or a net occupiable floor area of greater than 5,000 square feet.**

**3. The automatic fire sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by the building subcode. (Fire)**

(b) Automatic Alarm System: When **the occupant load of** the work area exceeds [25 percent of the gross enclosed floor area of the building] **100**, an automatic fire alarm system that complies with NFPA 72 shall be installed [in all storage, workshop, boiler or furnace rooms] **throughout**.

**1. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected.**

**2. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by Section 1003.2.11.1 of the building subcode.** (Fire)

(c) Manual alarm system: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, **or for buildings where the occupant load of the work area exceeds 100**, manual fire alarms shall be required throughout the building. (Fire)

(d)-(f) (No change.)

#### **5:23-6.31 Change of use**

(a)-(b) (No change.)

(c) Means of Egress: The following requirements apply to means of egress in a change of use:

TABLE C

Hazard Categories and Classifications

Means of Egress

<TABLE>

Relative Hazard	Use Classification
1 (highest)	H-1, H-2, H-3, <b>A2 nightclubs</b>
2	I-2, I-3, I-4
3	<b>A (other than A-2 nightclubs)</b> , E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, R-5, S-1, H-4, H-5
5 (lowest)	F-2, S-2, U

(d)-(f) (No change.)

(g) Automatic Sprinkler Systems: The following automatic sprinkler system requirements apply in change of use.

[Table] **TABLE G**

Hazard Categories and Classifications

Automatic Sprinkler Systems

<TABLE>

Relative Hazard	Use Classification
1 (highest)	<b>A-2 nightclubs</b> , H, I
2	A-2 [Nightclubs] ( <b>other than nightclubs</b> ),



	R-1, R-2, R-4
3	A-1, [A-2 Other than Nightclubs,] A-3, A-4
4	F-1, M, S-1
5	A-3 Churches, E
6 (lowest)	A-5, B, F-2, R-3, R-5, S-2, U

1.-4. (No change.)

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of the building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Group A: A manual **or automatic** fire alarm system shall be installed and maintained as required by Section 907.2.1 of the building subcode.

2.-9. (No change.)

(i)-(p) (No change.)

## 5:70-1.5 Definitions

The following terms shall have the meaning indicated except where the context clearly requires otherwise. All definitions found in the Uniform Fire Safety Act, P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., shall be applicable to this chapter. Where a term is not defined in this section or in the Uniform Fire Safety Act, then the definition of that term in the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern.

...

"Use" or "Use Group" means the use to which a building, portion of a building, or premises, is put as follows. It shall also mean and include any place, whether constructed, manufactured or naturally occurring, whether fixed or mobile, that is used for human purpose or occupancy that would subject it to the provisions of this Code if it were a building or premises.

1.-2. (No change.)

3. "Use Group A-2 (**nightclubs**)": This Use Group shall include all buildings and places of public assembly, [without theatrical stage accessories,] designed for use as dance halls, nightclubs, [and] eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent [and] **or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For**

**purposes of applying the requirements of this chapter, the nightclub** shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.

4.-20. (No change.)

#### **5:70-4.1 Code adopted; scope**

(a) (No change.)

(b) All buildings for which requirements are established in this subchapter shall be in compliance with such applicable requirements of this subchapter, unless a date for compliance is set forth in this subchapter.

1. (No change.)

**2. Use Group A-2 (nightclubs) shall be in compliance with the applicable requirements of N.J.A.C. 5:70-4.7, 4.9 and 4.11 effective on (effective date of this amendment) by (date one year from the effective date of this amendments).**

#### **5:70-4.3 Relationship to Uniform Construction Code**

(a) A building in full compliance with the subcodes adopted pursuant to the Uniform Construction Code Act and regulations in force at the time of its construction and possessing a valid certificate of occupancy shall not be required to conform to the more restrictive requirements established by this subchapter except as may be required by (a)[3]5 below.

**1. Exception to (a) above: A building or portion thereof of Use Group A-2 nightclub shall be required to conform to the more restrictive requirements established by this subchapter unless the building is in full compliance with the Building Officials and Code Administrators National Building Code, 1990 edition or a later edition of the building subcode of the Uniform Construction Code, and possesses a valid certificate of occupancy.**

**2. A variation issued in writing pursuant to the Uniform Construction in connection with the construction of a building shall remain in force and effect provided that all of the conditions of the variation continue to be met and shall not be reversed or modified for purposes of establishing compliance with this subchapter.**

Recodify existing 1.-3. as **3.-5.** (No change in text.)

(b) (No change.)

#### **5:70-4.7 Fire suppression systems**

(a) All buildings of Use Group A-2 (**nightclubs**) or portions thereof when separated in accordance with (1) below [with a permitted occupant load of 50 or more] shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code **where any of the conditions in (a)1, 2 or 3 below exist:[.]**

1. [The following are exceptions to paragraph (a) above:

i. Buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such] **The A-2 Use or portion thereof is located on a floor other than the level of exit discharge. For purposes of applying this paragraph, the level of exit discharge shall be defined as having all exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;**

[ii. Buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade.]

**2. The building or portion thereof has an occupant load of 300 or more;**

**i. Voluntarily limiting occupant load in a space that will accommodate a greater number shall not be permitted for purposes of determining whether suppression is required. The nightclub space itself may be reduced to a size such that the occupant load calculated in accordance with Table 5:70-4.11(f)3 at N.J.A.C. 5:70-4.11(f)3 is fewer than 300. If this option is chosen, then the following conditions shall apply:**

**(1) The nightclub space shall be separated from other portions of the building through the use of one hour fire resistance rated assemblies constructed in accordance with the building subcode of the Uniform Construction Code (N.J.A.C. 5:23-3.14);**

**(2) Opening protectives constructed in accordance with the building subcode shall be required for all openings between accessory use areas and the nightclub space. For purposes of applying these requirements, accessory use areas shall include, but not be limited to, all back of house spaces, storage rooms, offices, kitchens and coatrooms. Accessory use areas shall not include any assembly spaces;**

**(3) No openings shall be permitted between any non-accessory use areas and the nightclub;**

**(4) The separated, non-accessory portions of the building shall not contain any assembly uses; and**

**(5) The means of egress serving any separated, non-accessory portions of the building and the means of egress serving the nightclub shall be totally independent of one another.**

**(A) Exception: Means of egress shared between a nightclub and a separated, non-accessory space shall be permitted for nightclubs located in buildings of Use Group R-1; or**

**3. The building or portion thereof exceeds 5,000 square feet.**

**4. The automatic fire suppression system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire suppression system mutes the performance sound system and restores the intensity of illumination to that required by N.J.A.C. 5:70-4.11(i)2.**

**(b)-(l) (No change.)**

#### **5:70-4.9 Automatic fire alarms**

**(a) An automatic fire alarm system shall be installed as required below in accordance with the New Jersey Uniform Construction Code.**

**1.-8. (No change.)**

**9. In all buildings of Use Group A-2 (nightclubs) with an occupant load of 100 or more that are not otherwise required to have an automatic fire suppression system.**

**i. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected.**

**ii. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by N.J.A.C. 5:70-4.11(i)2.**

**(b)-(c) (No change.)**

#### **5:70-4.11 Means of egress**

**(a)-(e) (No change.)**

(f) The capacity of means of egress in each story shall be sufficient for the occupant load thereof.

1.-2. (No change.)

3. The maximum permitted occupant load of a given space shall be determined by dividing the floor area for a given use by the occupant load factor in Table 5:70-4.11(f)3.

i. [The] **Except in Use Group A-2 (nightclubs),** the occupant load may be equal to the total number of occupants for whom exit capacity is provided as determined by (f)1 above. The resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use.

Table 5:70-4.11(f)3

(No change.)

(g) All buildings of Use Group A with an occupant load of 100 or more shall be provided with a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity.

**1. For Use Group A-2 (nightclubs), the main exit and at least one remaining exit shall be placed a distance apart equal to one-half the length of the maximum overall diagonal distance of the area served in buildings not equipped throughout with an automatic fire sprinkler system and one-third the maximum overall diagonal distance of the area served in buildings that are equipped throughout with an automatic fire sprinkler system.**

**2. Use Group A-2 (nightclub) buildings with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.**

(h) (No change.)

(i) All means of egress shall be provided with artificial illumination as follows:

1.-2. (No change.)

3. In buildings of Use Groups A and E used for the exhibition of motion pictures or other projections by means of directed light, **and in buildings or spaces of Use Group A-1 or A-2 (nightclubs) used for performances,** illumination [of aisles] may be reduced during [such] periods of projection **or performance** to not less than 0.2 foot candle.

i. The lighting of exits, aisles [and], auditoriums **and other assembly spaces** shall be controlled from a location inaccessible to unauthorized persons. Supplementary control shall also be provided in the motion picture projection room **or lighting booth, if any.**

**ii. In assembly spaces, illumination shall be restored automatically to the level required by (i)2 above upon activation of the fire suppression or fire alarm system.**

(j)-(o) (No change.)

## INTERESTED PERSONS

**Interested persons** may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar

requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.